

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

SB 511 - HB 1120

February 25, 2009

SUMMARY OF BILL: Prohibits a sexual or violent sexual offender from knowingly being on or loitering within 1,000 feet of any school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field when children under the age of 18 are present. Prohibits temporary presence to make deliveries. Defines "loitering" as remaining for a period of time and under circumstances that a reasonable person would determine is for the primary purpose of observing or contacting a child under the age of 18.

ESTIMATED FISCAL IMPACT:

On February 24, 2009, we issued a fiscal note indicating an *increase in state expenditures of \$840,200/Incarceration*. Based on further review, the fiscal impact of the bill is as follows:

(CORRECTED)

Increase State Expenditures - \$11,700/Incarceration*

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-39-211, a violent or violent sexual offender currently is prohibited from being on or within 500 feet of any school building or school grounds when children under the age of 18 are present, except to make deliveries. Increasing the prohibited distance from 500 to 1,000 feet quadruples the prohibited area. This is equivalent to an increase of approximately 54 acres around each school or facility.
- Violation is a Class E felony and offender is not eligible for suspension of sentence, diversion or probation until the minimum sentence is served in its entirety. According to the Board of Probation and Parole, eliminating this exemption could restrict employment opportunities for these offenders while on community supervision but the impact is estimated to be not significant.
- According to the DOC, the average post-conviction time served for a Class E felony is 1.63 years. Estimate assumes one sexual or violent sexual offender every three years will be convicted of violating the

SB 511 - HB 1120 (CORRECTED)

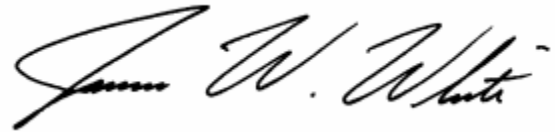
prohibition of temporary presence in these restricted areas. One Class E felony every three years with 1.63 years served (594.45 days). The annualized time served per conviction is 196.17 days (0.33 annual number of convictions x 594.45 days served). The annualized cost per conviction is \$11,730.97 (196.17 days x \$59.80).

- Any impact to the court system is estimated to be not significant and can be handled within existing resources. No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/lsc